

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GERALD WARLEDO,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-22-0086-HE
)	
SCOTT CROW,)	
)	
Respondent.)	

ORDER

Petitioner Gerald Warledo, a state prisoner appearing *pro se*, filed his habeas petition pursuant to 28 U.S.C. § 2254 attacking his state court conviction based on McGirt v. Oklahoma, 140 S.Ct. 2452 (2020). Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. Upon initial review of the petition, Judge Erwin issued a Report and Recommendation recommending that the petition be dismissed for lack of jurisdiction as a second or successive habeas petition. Absent an order from the court of appeals authorizing a second or successive habeas petition, this court may not consider such a petition. 28 U.S.C. § 2244(b)(3)(A).

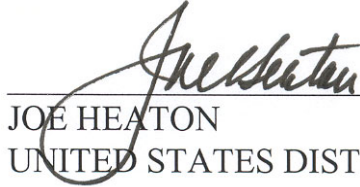
The Report advised petitioner of his right to object to the Report by April 15, 2022. Petitioner has not objected to the Report, thereby waiving his right o appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #9]. Petitioner's petition is **DISMISSED**. Further, because the petition does not meet the

requirements of 28 U.S.C. § 2244(b)(2), the court declines to transfer the petition to the Tenth Circuit Court of Appeals for consideration as an application to file a second or successive habeas petition.

IT IS SO ORDERED.

Dated this 11th day of May, 2022.



JOE HEATON
UNITED STATES DISTRICT JUDGE